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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,433	03/26/2001	Michael A. Robinson	10003782-2	2013
7590	10/20/2004		EXAMINER	
AGILENT TECHNOLOGIES Legal Department, 51U-PD Intellectual Property Administration P.O.Box 58043 Santa Clara, CA 95052-8043				PAYNE, DAVID C
		ART UNIT	PAPER NUMBER	2633
DATE MAILED: 10/20/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/818,433	ROBINSON ET AL.
	Examiner	Art Unit
	David C. Payne	2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 August 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 2-12, 14 and 15 is/are allowed.
- 6) Claim(s) 1 and 13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 13 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant appears to argue against the Ohhata reference on the mere fact that the term ROSA is not used in the prior art. However, it remains that Ohhata is a receiver mounted on a substrate. Nevertheless in order to add clarification to the record and demonstrate an unambiguous interpretation of the prior art, the examiner is applying new art that is explicit in the teaching of a ROSA.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claim 1 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonemura et al. US 6,540,412 B2 (Yonemura) in view of Ohhata et al. US 6,304,357 B1 (Ohhata) and William US 5,864,416 (Williams).

Re claim 1,

Yonemura disclosed (Figure 3)

A fiber optic receiver, comprising:

a substrate (47);

a receiver optical sub-assembly (ROSA) mounted on the substrate and comprising a fiber optic connector (42) for coupling to a mating connector of a fiber optic cable; an opto-electronic transducer (49a) incorporated within the ROSA and configured to generate an electrical data signal in response to a received optical data signal;

a preamplifier circuit (49b) incorporated within the ROSA, coupled to the opto-electronic transducer,

Yonemura does not disclose

a preamplifier circuit operable to linearly amplify an electrical data signal generated by the opto-electronic transducer;

an adjustable bandwidth post-amplifier circuit mounted on the substrate and coupled to an output of the preamplifier circuit.

Ohhata disclosed a pre-amplifier circuit in an optical receiver operable to linearly amplify (*see Ohhata, e.g., col./line: 5/47-55*) an electrical data signal generated by the opto-electronic transducer. It would have been obvious to one of ordinary skill in the art at the time of invention to use linear amplification so that all signal inputs have the same gain and provide predictable transfer function against input voltage or current.

Williams disclosed an adjustable bandwidth amplifier (e.g., col./line: 7/25-35). It would have been obvious to one of ordinary skill in the art at the time of invention to apply an adjustable bandwidth amplifier after a preamplifier so that the receiver would operate over a range of

frequencies consistent with the wide range of frequencies used in the industry. Furthermore the fact that the applicant has separated the amplifiers into post and preamplifiers has no patentable weight over the prior art. These functions could be integrated or separated without changing the functioning of the circuit.

Re claim 13,

the modified invention of Yonemura, Ohhata and Williams does not disclose that the post-amplifier is outside of the ROSA. However lacking any criticality it is not patentable to make parts separable or change the position over the prior art.

Allowable Subject Matter

5. Claims 2-12, 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Payne whose telephone number is (571) 272-3024. The examiner can normally be reached on M-F, 7a-4p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dcp

David C. Payne
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